

29 JUN 2005 504P0032
10/541088 (03/8081)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTICAL WAVEGUIDE AND OPTICAL TRANSMITTING/RECEIVING MODULE

Case No. 075834.00455, the specification of which

(check one)

X was filed internationally on January 29, 2004
as International Application No: PCT/JP2004/000799
and was amended on _____
(if applicable)

_____ was filed under 35 U.S.C. 371 on _____
as U.S. Application Serial No. _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, 1.56.¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below

Prior Foreign Application(s) Number	Country	Date
2003-021490	Japan	January 30, 2003
PCT/JP2004/000799	WO	January 29, 2004

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

Prior Foreign Application(s)
Number Country Date

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)
Number Country Date

10 And I hereby appoint Lewis T. Steadman, Sr. Reg. 17,074, Robert J. Depke Reg. 37,607, Timothy M. McCarthy, Reg. No. 42,855; Richard A. Giangiori, Reg. 24,284; Raiford A. Blackstone, Jr., Reg. 25,156; David J. Marr, Reg. 32,915; Linda L. Palomar, Reg. 37,903; James R. Foley, Reg. 39,979; James A. O'Malley, Reg. 45,952; and Paige A. Kitzinger, Reg. 45,219, all members of the firm of Trexler, Bushnell, Giangiori, Blackstone & Marr, Ltd.

Telephone: (312) 704-1890

as my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

Trexler, Bushnell, Giangiori, Blackstone & Marr, Ltd.

105 W. Adams Street, 36th Floor
Chicago, Illinois 60603

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 Full name of sole or first inventor Takahiro ARAKIDA

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2-00 Full name of second joint inventor,

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Inventor's signature Kenji Suzuki Date May 27, 2005
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Full name of third joint inventor,
(if any)

Inventor's signature _____ Date _____
Residence _____
Citizenship _____
Post Office Address _____